

FROM  
Intellectual Property Group of  
Pillsbury Madison & Sutro  
Attorneys at Law  
1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918  
Telephone: (202) 861-3000

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Sond  
10/24/00

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In re PATENT APPLICATION of

Inventor(s) Farber et alAppln. No. 09/612,598Group Art Unit: 2756Examiner: A. Romeroseries code ↑ serial no. ↑Filed: July 7, 2000Atty. Dkt. PM 270531

M#

TITLE: Optimized Network Resource  
LocationDate: October 3, 2000

Name or type of signed paper being transmitted:

REQUEST FOR ADVANCEMENT OF EXAMINATION UNDER 37 C.F.R. §§ 1.102 AND 1.607(B)MESSAGE:

Attn: Mr. John Love, Director

**U R G E N T !!!**

Please urgently consider the attached REQUEST FOR ADVANCEMENT OF EXAMINATION  
UNDER 37 C.F.R. §§ 1.102 AND 1.607(B). If you have any questions regarding this  
matter, please contact me at 202.861.3702.

Thank you,

Brian Siritzky, Reg. No. 37,497

cc: Examiner Mark Rinehart, SPE

(ATTN: Atty/Sec.: Transmit only one paper herewith. For papers not acceptable by fax, see back side or LAN  
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C# / M#

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of

***FARBER et al***

Group Art Unit: 2756

Examiner: Almari ROMERO

Appln. No. 09/612,598

Filed: July 7, 2000

For: **OPTIMIZED NETWORK RESOURCE LOCATION**

\* \* \* \* \*

October 3, 2000

**REQUEST FOR ADVANCEMENT OF EXAMINATION  
UNDER 37 C.F.R. §§ 1.102 AND 1.607(B)**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Applicant respectfully requests advancement of examination of this application under 37 C.F.R. § 1.102 and 1.607(b) so that this application can be placed in interference with U.S. Patent No. 6,108,703, issued August 22, 2000 ("the Leighton '703 Patent").

On September 18, 2000 Applicant filed a REQUEST FOR INTERFERENCE UNDER 35 U.S.C. § 135 AND 37 C.F.R. § 1.607 ("the Request") in the United States Patent and Trademark Office. (A copy of the Request is included with the hand-carried copy of this Paper) The Request was filed to initiate an interference with the Leighton '703 Patent.

The Request complied with 37 C.F.R. § 1.607. In the Request applicant copied claims (including all of the independent claims) from the '703 Patent into the present application [37 C.F.R. § 1.607(4)] and showed support for the copied claims in the present application.

"When an applicant seeks an interference with a patent, examination of the application . . . shall be conducted with special dispatch within the Patent and Trademark Office." 37 CFR 1.607(b), emphasis added. MPEP 2307.

**APPLICATION of FARBER et al. - Appln. No. 09/612,598****Appendix I**

The MPEP lists special cases which should be "advanced out of turn for examination." *MPEP 708.01 List of Special Cases*. This application qualifies under paragraph (F) of the List of Special Cases<sup>1</sup> as an application which will be placed in interference with an unexpired patent.

**ONGOING LITIGATION RELATING TO THE '703 PATENT**

Applicant further advises the Commissioner that the alleged owner and the alleged exclusive licensee of the Leighton '703 Patent have brought suit in the District Court in Massachusetts against Digital Island, the owner of the present application, for alleged infringement of the '703 Patent. In view of the ongoing litigation relating to the '703 Patent, the applicant would like to resolve the issue of ownership of the invention with the utmost haste.

**THIS APPLICATION SHOULD BE ADVANCED OUT OF TURN FOR EXAMINATION.**

In view of the above, Applicant respectfully requests advancement of examination of this application and official notice to that effect.

Respectfully submitted,

PILLSBURY MADISON & SUTRO, LLP

By



Brian Siritzky

Reg. No. 37497

Tel. No.: (202) 861-3702

Fax No.: (202) 822-0944

1100 New York Avenue, N.W.  
Ninth Floor  
Washington, D.C. 20005-3918  
(202) 861-3000

<sup>1</sup> "The following is a list of special cases (those which are advanced out of turn for examination).

....  
(f) Applications which appear to interfere . . . or which will be placed in interference with an unexpired patent or patents (37 CFR 1.201)." *MPEP 708.01. Pg 700-65, col 2*